

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

JP920030045US1

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on _____

Signature _____

Typed or printed name _____

Application Number

10/807,983

Filed

March 24, 2004

First Named Inventor

Chieko Asakawa et al.

Art Unit

2176

Examiner

Quoc A Tran

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Ira D Blecker/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Ira D. Blecker

Typed or printed name

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Registration number if acting under 37 CFR 1.34 29,894

April 22, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

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In The United States Patent and Trademark Office

In re Application of: Chicko Asakawa et al. Docket: JP920030045US1

Serial Number: 10/807,983 Confirmation No.: 4455

Filed: March 24, 2004 Examiner: Quoc A Tran

Art Unit: 2176 Date: April 22, 2009

For: INFORMATION PROCESSING FOR CREATING A DOCUMENT DIGEST

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Hon. Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Please review the following reasons why Applicants believe the Examiner's rejections are erroneous and not supported by the cited references.

The §103 rejections:

Claims 1, 8, 12, 16 and 18 to 19 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Maeda et al. USPAP 2001/0054049 (hereafter "Maeda") in view of Chen et al. USPAP 2002/0078097 (hereafter "Chen") and Chen et al. USPAP 2006/0282445 (hereafter "Chen '445").

All of the claims are independent claims with claim 1 claiming an apparatus, claim 8 claiming a method, claim 12 claiming a physical computer readable medium storing a program, claim 16 claiming a computer program product effecting the functions of claim 1, claim 18 claiming an article of manufacture effecting the method of claim 8 and claim 19 claiming a storage device performing the method steps of claim 8. Claim 1 is discussed as representative of

all of the claims and any significant differences between claim 1 and the other claims will be discussed when a particular feature of claim 1 is discussed.

It is submitted that the Examiner has failed to state a *prima facie* case of obviousness in that several features of Applicants' claims are not shown in the cited combination of references.

Point 1:

Applicants' claim 1 recites:

means for ensuring access to information lost by creating the digest and ensuring said digest fits optimally on said display device;

The Examiner notes that Maeda displays the contents of a document using a selected display condition while preserving the layout of the document. The Examiner further points to paragraph [0081] of Maeda.

Paragraph [0081] of Maeda states in part: "To display the web page, the web page is divided into several blocks, the locations and the sizes of the blocks are fixed, and only the display condition of the elements is changed. As a result, there is no deterioration of the layout of the web page." With Applicants' invention, however, a web page such as one shown in Figure 11(a) of their application is digested such that only portions of the web page are shown. That is, only regions 1, 3, 5 and 7 are shown while the other regions are hidden. Information in hidden regions could otherwise be lost but Applicants ensure access to that information which otherwise would be lost. However, as Maeda notes in paragraphs [0130] and [0131] with reference to Figures 24 and 25, "The dotted portion in FIG. 24 is a portion that can not be displayed in the assigned area. If this portion is simply clipped and abandoned, important information...will also be lost." Further, Maeda discloses in Fig. 25 that "the important contents in the node that corresponds to the assigned region are displayed in accordance with the size of the region." Apparently, Maeda displays only the important contents of the document and discards the rest. This is different than Applicants' invention wherein information not displayed is preserved. With Applicants' invention, information that is "lost" in creating the digest is preserved by providing "means for ensuring access to information lost". Maeda apparently does not do this.

Point 2:

Applicants' claim 1 recites:

means for obtaining display priorities of a plurality of display elements belonging to each of a plurality of regions of the document based on attributes of the display elements;

The Examiner points to paragraph [106] of Maeda wherein it is stated in part: "Thus, an assigned region should be large enough to permit the complete display in it of the most important information in the document..."

The above portion of Maeda highlights a significant difference between Maeda and the present invention. The present invention compares the importance values of all elements in all regions in the processed document while Maeda only compares importance values of elements in one region. Thus, the present invention can create a digest of a document in which the display elements of each region has a size that is in proportion to its importance. This part of Applicants' invention, in addition to being claimed as above, is illustrated in Figures 6(a) and 6(b) of their application. As shown in figure 6(a), elements in a plurality of regions are assigned importance values and then the elements of the plurality of regions are ordered as shown in Figure 6(b).

Maeda only looks at the importance values of the elements in each region but does not look at the importance values of the elements across regions as do Applicants.

Point 3:

Applicants recite in claim 1:

wherein the means for obtaining the display priorities further comprises:

means for arraying, for each of the regions, the display elements belonging to the regions in accordance with a predetermined criterion,

means for obtaining a ratio of a cumulative length of each of the arrayed display elements in each of the regions by dividing the cumulative length by a total length of the region, and

means for dividing the ratio of the cumulative length by a significance of the region to which the display element belongs, the ratio having been obtained for each of the display elements.

The Examiner admits that Macda and Chen do not teach these features but that Chen '445 teaches them. The Examiner then points to a formula in Chen '445 used to divide the screen up into N pixels for the header of the page, N pixels for the footer of the page and so on.

What Chen '445 appears to be doing is dividing up a web page for viewing on a small form factor device. However, this is not what Applicants are claiming. Applicants, rather, are claiming a methodology for obtaining the display priorities of the display elements in a plurality of regions. This is the methodology as illustrated in Figures 6(a) and 6(b) and explained in paragraphs [101] and [102] of Applicants' specification. There does not appear to be an attempt by Chen '445 to order the various display elements in each of the regions shown on the web page. More specifically, Chen '445 apparently does not look at the length (i.e., the number of characters of text) of each of the arrayed display elements and therefore Chen '445 cannot look at the "cumulative length" of the arrayed display elements as claimed by Applicants. Nor does Chen '445 divide the cumulative length by the total length of the region as claimed by Applicants. Nor does Chen '445 divide "the ratio of the cumulative length by a significance of the region" as claimed by Applicants. Accordingly, Chen '445 does not teach the part of Applicants' claim 1 recited above.

It should be noted that claim 12 does not recite functions equivalent to the means language recited above.

Point 4:

Applicant recites in Claim 1:

means for setting a merging relationship among the regions by deciding a merging region, with which a region not being displayed on the digest screen is merged, from among regions displayed on the digest screen based on layout information for the regions in the document, all of the regions being included in the document;

The Examiner admits that Macda does not teach these limitations but alleges that Chen teaches these limitations.

This is one of the clearest illustrations of the erroneous application of the references.

Chen discloses merging of visible areas. As noted in paragraph [0026] of Chen, "...the integrating unit 1130 automatically integrates display areas containing data with display areas not containing data." [emphasis added] Applicants' claim 1, however, requires merging a region "not displayed on the digest screen" with "a merging region..from among regions displayed on the digest screen..." [emphasis added]. In other words, visible and invisible regions are merged in Applicants' in Applicants' claim 1 which is clearly different from Chen where only visible regions are merged..

Summary:

In view of all of the preceding remarks, it is submitted that the combination of Macda, Chen and Chen '445 do not render Applicants' invention obvious, and further that the Examiner has failed to state a *prima facie* case of obviousness with respect to Applicants' claims.

Respectfully submitted,

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